

# **Montgomery County Local Emergency Planning Council Constitution and By-Laws**

## **ARTICLE I: NAME**

The name of this committee is the Montgomery County Local Emergency Planning Council (hereinafter referred to as the LEPC). The LEPC is authorized by federal law, state law and by appointments duly made by the Governor and issued by the State Emergency Response Commission (hereinafter referred to as the SERC) from a list of persons submitted and recommended to the SERC by the County Executive in accordance with the provisions of the US Environmental Protection Agency's Superfund Amendments and Reauthorization Act of 1986 (SARA), specifically, SARA Title III , entitled the Emergency Planning and Community Right to Know Act of 1986 (hereinafter referred to as EPCRA).

## **ARTICLE II: FEDERAL, STATE AND LOCAL LAWS**

The following Federal, State and Local laws are applicable to the LEPC: Superfund Amendments and Reauthorization Act of 1986 (SARA), 42 U.S.C 11001(c). The State of Maryland Community Right to Know Fund Regulation COMAR 26.26.01 and Montgomery County Fire Safety Code, Chapter 22, as amended by Montgomery County Executive Regulation 17-03AM.

## **ARTICLE III: PURPOSE AND OBJECTIVES**

### **Section 1 – The purpose of the LEPC:**

Under the provisions of EPCRA, the LEPC shall develop a hazardous materials emergency response and preparedness plan for the planning district of Montgomery County, Maryland; establish procedures for conducting its public information and education responsibilities; receive and process requests for information from the public; notify the public and regulated businesses on all LEPC activities and meetings; make the Hazardous Materials Plan publicly available; receive reports and information as specified in EPCRA and in accordance with state and local hazardous materials reporting laws. minimize the effects of emergencies with and f , andnagementin With the information and reports received from facilities operating within the planning district, the LEPC will perform a hazard analysis, establish and

**maintain a database of hazardous materials locations and quantities in the planning district together with emergency planning and notification information, and establish and maintain a computer system for data management. Information on all facilities with reportable quantities as well as Extremely Hazardous Substances (EHS) will be included in the emergency plan. All LEPC meetings, except those specified by the Chairman and announced in advance, are open to the public.**

**SECTION 2 – The Objectives of the LEPC are:**

**a). To prepare and maintain a comprehensive and coordinated hazardous materials plan for Montgomery County.**

**b). To receive and process public information requests in accordance with EPCRA and SERC requirements.**

**c). To implement the LEPC rules and requirements as outlined in EPCRA.**

**d). To carry out the powers and duties set forth by the SERC.**

**e). To appoint appropriate sub-Committees, other ad hoc committees, and advisory groups to assist the LEPC in its duties and responsibilities.**

**f) The LEPC will participate in the preparation and maintenance of Annex AA – Hazardous Materials, of the County’s Emergency Operations Plan.**

**g) Conduct an annual review and testing of the hazardous materials plan.**

**h) Support the Office of Emergency Management in providing appropriate hazardous materials training and education, compliance and enforcement.**

**i). Operate under the duties set forth by the Montgomery County Codes and Regulations, and the Montgomery County Executive.**

**j) Operate as an advisory council to the Fire Chief, Homeland Security Director, County Executive, and County Council in matters relating to the management and use of hazardous materials in the County.**

**k) Annually review the capabilities and responses of the Montgomery County Hazardous Incident Response Team (HIRT) and other response resources within the County.**

## **ARTICLE IV: LEPC MEMBERSHIP**

### **SECTION 1 – Composition of the LEPC.**

**EPCRA requires that the LEPC be comprised of one representative from each of the following entities: elected state and local officials; law enforcement; emergency management; fire/rescue; emergency medical services; public health; local environmental; hospitals; transportation; broadcast and/or print media; community groups; and representatives and owner/operators of regulated facilities. The Maryland SERC has authorized Montgomery County to appoint one additional representative for each of the following: federal installations; SARA Title III regulated businesses; Montgomery County public schools; fire marshal; Hazardous Incident Response Team; high use businesses; small use businesses; automotive related businesses; utilities; high technology businesses; and an individual citizen representative as defined by Montgomery County regulation.**

### **SECTION 2 – Appointments and Duties of the LEPC and Officers.**

**Membership in the LEPC is open to individuals with an interest in hazardous materials emergency planning and public safety concerns within Montgomery County, subject to the provisions of this Section. Specific organizations/agencies shall be represented on the LEPC, in accordance with EPCRA requirements. These agencies should identify a primary representative and an alternate to ensure representation at each meeting.**

**Individuals requesting appointments shall submit a completed application form to the Chairman of the LEPC through the Office of Emergency Management. Subsequent to recommendation of the Nominating Committee, and approval by the LEPC Chairman, the application package will be forwarded to the County Executive. The County Executive will approve and verify the applicant prior to submitting the name to the SERC for appointment to the LEPC by the Governor.**

**Officers of the LEPC are identified to preside over the affairs of the LEPC and to provide order to meetings and for information management. The roles and responsibilities of these officers are:**

**a). Chair – The Chair of the LEPC is chosen by the Montgomery County Executive from among the approved appointments by the Governor. The Chair also serves as the LEPC representative/liason to the Montgomery County Government. This individual is also tasked with preserving order during LEPC meetings, making appointments to all technical committees, and serving as an ex-officio member of the Governor’s Emergency Management Advisory Committee/State Emergency Response Commission (hereinafter referred to as the GEMAC/SERC). The Chair or his/her designee oversees all hearings held before the LEPC, signs all official findings and documents resulting from LEPC actions, and coordinates all findings and actions with authorities representing the Montgomery County Government.**

**b) Co-Chair – The Co-Chair of the LEPC is chosen by the Montgomery County Executive from among the approved appointments by the Governor. The Co-Chair serves the role of the Chair during his/her absence or inability to serve.**

**c) Community Emergency Coordinator – As required by EPCRA, the County Executive will appoint the Community Emergency Coordinator. This position shall be the Fire Chief, as the chief administrator of Montgomery Fire and Rescue Service and the 911 center, or his/her designee, who is responsible for implementing the hazardous materials plan.**

**d). Public Information Coordinator – Responsible for maintaining the records of the LEPC and facilitating public access (See Article 5, Section 6 – Public Information Requests)**

**The Chair, Co-Chair and Community Emergency Coordinator can be replaced only at the direction of the Montgomery County Executive, at the recommendation of the SERC, or as a result of resignation from the LEPC.**

### **SECTION 3 – Filling of Vacancies.**

**Vacancies may occur in the general membership of the LEPC due to resignations or removal actions. Recruitment procedures will be initiated to fill the position for the remainder of the term in accordance with the provisions of Section 2.**

### **SECTION 4 – Term Length.**

**The term of appointment to the LEPC will coincide with the election of the County Executive. The appointees serve at the pleasure of the Governor and the County Executive, and may be removed at any time by written notification. In the event of a delay in appointments by the County Executive, incumbent members will continue to serve until removal or replacement.**

## **ARTICLE V: JURISDICTIONAL BOUNDARY**

**The LEPC's Jurisdictional Boundary:**

**The Montgomery County LEPC's jurisdictional boundary is all of Montgomery County, Maryland.**

## **ARTICLE VI: POWERS AND DUTIES**

### **SECTION 1 – Powers**

**Under EPCRA, the LEPC shall have the authority to adopt bylaws; designate the Office of Emergency Management to establish, recommend and carry out**

enforcement activities on behalf of the LEPC; designate additional facilities within the planning district to be subject to the hazardous materials plan and reporting requirements; adopt rules for dealing with facilities within the planning district and under Montgomery County Fire Safety Code, Chapter 22, as amended, designate the Fire Chief or his/her designee to act as a hearing officer for violations.

## **SECTION 2 – LEPC Meetings**

### **A. Regular Meetings**

The LEPC shall meet quarterly. A minimum of 72 hours notice will be given to all members of the LEPC, and a public announcement of the meeting date, time and location will be made in advance of all regularly scheduled LEPC meetings. Minutes of these meetings will be taken and a written report will be maintained with the official LEPC records.

### **B. Special Meetings**

The LEPC Chair shall have the authority to call a special meeting of the LEPC if he/she determines that a need exists. Minutes of these meetings will be taken and a written report will be maintained with the official LEPC records.

### **C. Hearings**

A hearing may be conducted in accordance with Montgomery County Fire Safety Code, Chapter 22, as amended, or Montgomery County Executive Regulation 17-03 AM, to address circumstances related to an identified release of a hazardous material and/or violation of the provisions of Montgomery County Fire Safety Code, Chapter 22, as amended, or Montgomery County Executive Regulation 17-03 AM.

## **SECTION 3 – Quorum**

A simple majority of the appointed members of the LEPC will constitute a quorum for the purpose of conducting a formal regular meeting.

Standing and Ad Hoc Committee meeting quorums will be at the discretion of the Chairman of the committee.

## **SECTION 4 – Voting**

Voting shall be conducted in accordance with Roberts Rules of Order (Newly Revised). The Chair shall make a final ruling on all respective decisions. A simple majority verbal vote will carry or defeat a motion. Members may request a written ballot if requested prior to the initial vote.

## **SECTION 5 – Removal of a Member**

**Failure of any appointed LEPC member or alternate to attend at least 50% of the meetings, without an approved excuse by the Chairman, in a twelve (12) month period, will result in notification of termination of appointment. State law sets the requirements for attendance at Governor appointed meetings.**

**The LEPC Chair may recommend removal of an LEPC member to the County Executive for just cause. A written copy of formal charges must be presented to the member in accordance with County regulations for the removal of committee members. Any member subject to removal for just cause has the right to address the LEPC, and shall be given notice prior to the meeting at which a vote for removal would be cast.**

## **SECTION 6 – Public Information Requests**

**The LEPC will provide access to public information as required under SARA Title III during normal office hours. Requests for access shall be in writing to the Office of Emergency Management. Under the provisions of the Maryland Public Information Act and Montgomery County Executive Regulation 17-03 AM, the Office of Emergency Management has 30 days within which to respond to such requests.**

## **ARTICLE VII; FUNDING**

### **SECTION 1- Handling of Funds**

**All funds, including grants and gifts, received on behalf of the LEPC, shall be accepted and maintained in accordance with County regulations. The LEPC shall be authorized to collect donations to promote its general purposes, training and education, exercises, and other activities. All donations shall be maintained in an account as specified in County regulations.**

### **SECTION 2 – Grant Applications**

**The Office of Emergency Management shall be responsible for making grant applications to the SERC and other granting agencies on behalf of the LEPC.**

### **SECTION 3 – Purchase and Accountability of Durable Items.**

**Any durable items purchased with LEPC funds shall be accounted for in accordance with methods and procedures of Montgomery County. All items purchased or donated to the LEPC will be accounted for and properly marked as LEPC property in accordance with established County procedures and applicable**

federal and state grant regulations. A listing of all durable property will be maintained with the Montgomery County Office of Emergency Management.

**ARTICLE VIII: PARLIMENTARY AUTHORITY**

**SECTION 1 – Rules of Order**

The rules contained in Roberts Rules of Order (Newly Revised) shall govern generally the conduct of LEPC meetings and all standing and ad hoc committees.

**ARTICLE IX: AMENDEMENTS**

Any LEPC member shall have the right to comment on or suggest revisions to the By-Laws. The member will make his/her request in writing to the LEPC through the Montgomery County Office of Emergency Management. Requests shall be made a minimum of 72 hours prior to the meeting, stating the portion(s) of the document which he/she wishes to discuss. The LEPC shall have the power to amend the By-Laws in the following manner: written notice containing the proposed amendment(s) shall be submitted to the members of the LEPC prior to the next meeting after the introduction of the amendment. To be approved amendments must receive a two-thirds majority vote of the members present. This document, and all proposed amendments to this document, shall be provided to the County Attorney by the Office of Emergency Management for review and comments a minimum of thirty (30) days prior to the date set for LEPC vote.

**THIS DOCUMENT, THE CONSTITUTION AND BY-LAWS OF THE MONTGOMERY COUNTY LOCAL EMERGENCY PLANNING COUNCIL (LEPC), ADOPTED AT THE REGULAR MEETING OF THE LEPC, ON THIS 17th DAY OF APRIL, 2003.**

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**CHRIS VOSS  
CHAIRMAN, LEPC**

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**ISIAH LEGGETT  
COUNTY EXECUTIVE**

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**DATE SIGNED**

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**DATE SIGNED**

**Approved as to form and legality:**

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**COUNTY ATTORNEY**

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**DATE SIGNED**